

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Review and/or Waiver by)	
the Miami Indep. School District 23,)	Application Nos. 898270,
Preston School District, and)	945612, and 951256
Grove School Co District 27)	
of Funding Decision by the)	
Universal Service Administrative Company)	

**REQUEST FOR REVIEW AND/OR WAIVER
BY THE MIAMI INDEPENDENT SCHOOL DISTRICT,
PRESTON SCHOOL DISTRICT, AND GROVE SCHOOL CO DISTRICT 27
OF FUNDING DECISIONS BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission’s rules,¹ the Miami Independent School District 23 (Miami ISD) in Miami, Oklahoma², the Preston School District in Preston, Oklahoma³, and the Grove School Co District 27 (Grove School) in northeastern Oklahoma,⁴ (collectively, “the Schools”) hereby respectfully request a review of the Universal Service Administrative Company (USAC) decisions to seek recovery of Schools and Libraries Universal Service (E-rate) funding to Miami ISD for its Funding Year 2013 FCC Form 471 application number 898270, to Preston School District for its Funding Year 2014 FCC Form 471

¹ 47 C.F.R. § 54.719(b), (c); 47 C.F.R. § 54.722(a).

² Billed Entity Number (BEN) 140145.

³ BEN 140205.

⁴ BEN 140323.

application number 945612, and to Grove School for its Funding Year 2014 FCC Form 471 application number 951256.⁵

The Schools do not dispute that USAC should recover the funding. However, USAC should seek recovery of the funding from the service providers, not from the Schools. In each case, the Schools notified the service providers that they were disconnecting the service and no longer wished to purchase services from them. In each case, the service providers continued invoicing USAC for the services that should have been disconnected to the Schools. The Schools respectfully argue that USAC should seek recovery of funds from the service providers because the Commission directs USAC to seek recovery from the party responsible for the violation. In each case, the service provider alone was responsible for billing USAC for the services after they had received the disconnect letter from the Schools. Therefore, the Commission should direct USAC to cease recovery efforts from the Schools and instead seek recovery from the service providers.

⁵ Miami ISD is appealing its FCC Form 471 application no. 898270 (FRN No. 2441670); Preston School District is appealing its FCC Form 471 application no. 945612 (FRN No. 2574724); Grove School is appealing its FCC Form 471 application no. 951256 (FRN No. 2586896)

Table of Contents

I. BACKGROUND	4
II. USAC ERRED IN SEEKING RECOVERY FROM THE SCHOOLS INSTEAD OF THEIR SERVICE PROVIDERS.....	8
III. THE COMMISSION SHOULD CONSIDER THE APPEAL AS TIMELY FILED, OR, IN THE ALTERNATIVE, GRANT A WAIVER OF ITS RULES	9
A. The Demand Letter Is an Appealable Decision of USAC.	10
B. In the Alternative, the Commission Should Waive Section 54.720 to Allow the Schools to Appeal Because the Appeal Was Submitted Only a Few Days After the Deadline USAC Argues Applies Here and Because USAC’s Underlying Decision is in Conflict with the Commission’s Directives.....	11
IV. CONCLUSION.....	14

I. BACKGROUND

Miami Independent School District 23. The Miami Independent School District 23 (Miami ISD) is located in Miami, Oklahoma. It has approximately 2,172 students enrolled. Its discount rate for funding year 2013 was 86% for telecommunications services.

USAC issued a Commitment Adjustment Letter (COMAD) for FRN 2441670 on 5/20/2016. The reason for the COMAD was listed as:

During a Special Compliance Review the applicant submitted an FCC Form 500 cancelling the commitment of the FRN in full. The applicant requested and was erroneously committed an amount which it was not able to justify as a reasonable estimate of the costs of eligible services. Pursuant to FCC rules, if funding requests are submitted in the amounts that go beyond what the applicant can substantiate, those funding commitments will be reduced to the amount that can be substantiated. Since FRN 2441670 included the amount that the applicant could not justify, this funding commitment will be rescinded in full to deduct the unsubstantiated amount of eligible services and USAC will seek recovery of any improperly disbursed funds from the applicant.

Miami applied for funding for WAN services for Funding Year 2013. Southwestern Bell Telephone Company (SWBT) was Miami's service provider for previous funding years, but the district was switching to a new WAN provider during Funding Year 2013. USAC committed \$127,916.40 in E-rate funding for the SWBT FRN 2441670.

During a post-commitment review of its FY 2013 request, Miami submitted a form 500 to cancel the funding for FRN 2441670.⁶ Miami cancelled this FRN during the special compliance review because they were able to switch over to their new WAN provider and had sent the disconnect letter to SWBT. Miami had notified SWBT that SWBT should disconnect the WAN service as of July 1, 2013.⁷ Miami was unaware that AT&T continued to bill USAC for these services after July 1, 2013. Apparently, SWBT continued to bill USAC via the Service Provider Invoice (SPI) process for these services after July 1, 2013. Because applicants typically

⁶ Exhibit 1, Form 500 cancelling FRN 2331670.

⁷ See Exhibit 2, disconnect letter sent by Miami ISD to AT&T dated 6/26/2013.

do not have the opportunity to review the SPI invoices submitted by service providers – and Miami did not do so here – Miami was unaware that SWBT had invoiced USAC for these services after they were disconnected.

On May 20, 2016, USAC issued a notification of commitment adjustment for Miami ISD's funding request No. 2441670.⁸ USAC issued a demand letter to Miami ISD on July 20, 2016. Miami ISD filed an appeal with USAC on July 29, 2016. Its appeal was denied on September 21, 2016. USAC dismissed the appeal because USAC said the appeal was not timely filed. Miami ISD appeals the dismissal of its appeal as well as USAC's underlying substantive decision to seek recovery from Miami ISD instead of its service provider. Miami ISD's appeal is due by November 20, 2016, under the Commission's rules,⁹ and, as such, this appeal is timely filed.

Preston School District. The Preston School District is located in Preston, OK. It has approximately 549 students enrolled. Its discount rate for funding year 2014 was 78 percent for Internet access.

Preston timely applied for FY 2014 funding, with AT&T Corp. as its service provider. USAC committed \$25,688.52 for funding. During a USAC review of its application post-commitment, Preston indicated to USAC that Preston had directed AT&T Corp. to cease providing the services on October 31, 2014.¹⁰ Apparently, AT&T Corp. continued to bill USAC via the Service Provider Invoice (SPI) process for these services after October 31, 2014.

Because applicants typically do not have the opportunity to review the SPI invoices submitted by

⁸ Exhibit 3, COMAD Letter to Miami

⁹ See 47 C.F.R. § 54.720.

¹⁰ Exhibit 4, Preston Disconnect Letter & Preston's response to Special Compliance Review. The Commitment Adjustment letter from USAC specifically acknowledges this fact: "*During a Special Compliance Review the applicant stated the services requested in the FRN were disconnected on October 31, 2014.*" (See Exhibit 5 – Preston COMAD Letter)

service providers – and Preston did not do so here – Preston was unaware that AT&T Corp. had invoiced USAC for these services after they were disconnected.

On May 20, 2016, USAC issued a notification of commitment adjustment letter to Preston School District for its funding request No. 2574724.¹¹ The reason for the COMAD was listed as:

*During a Special Compliance Review the applicant stated the services requested in the FRN we disconnected on October 31, 2014. The applicant requested and was erroneously committed an amount which it was not able to justify as a reasonable estimate of the costs of eligible services. Pursuant to FCC rules, if funding requests are submitted in the amounts that go beyond what the applicant can substantiate, those funding commitments will be reduced to the amount that can be substantiated. Since FRN 2574724 included the amount that the applicant could not justify, this funding commitment will be reduced by \$17,125.68 (\$2,744.50 monthly * 4 months = \$10,978. \$32,934 - \$10,978 = \$21,956.00 pre-discount * 78% = \$17,125.68 post discount.)*

USAC issued a demand letter to Preston on July 20, 2016. Preston filed an appeal with USAC on July 29, 2016. Its appeal was denied on September 21, 2016. USAC dismissed the appeal because USAC said the appeal was not timely filed. Preston appeals the dismissal of its appeal as well as its underlying substantive decision to seek recovery from Preston instead of its service provider. Preston appeal of USAC's decision is due by November 20, 2016, under the Commission's rules,¹² and, as such, this appeal is timely filed.

Grove School Co District 27. The Grove School Co District 27 (Grove or Grove Public Schools) is located in northeastern Oklahoma. It has approximately 425 students enrolled. Its discount rate for funding year 2014 was 50% percent for Internet access.

Grove applied for funding for Internet access service. XO Communications was Grove's service provider. USAC committed \$12,966 in E-rate funding. During USAC's review of its application post-commitment, Grove School District indicated to USAC that Grove had directed

¹¹ Exhibit 5 – Preston COMAD Letter

¹² See 47 C.F.R. § 54.720.

XO Communications to cease providing the services on August 29, 2014.¹³ Apparently, XO Communications continued to bill USAC via the Service Provider Invoice (SPI) process for these services after August 29, 2014. Because applicants typically do not have the opportunity to review the SPI invoices submitted by service providers – and Grove did not do so here – Grove was unaware that XO Communications had invoiced USAC for these services after they were disconnected.

On May 20, 2016, USAC issued a COMAD letter for Grove School's funding request No. 2586896.¹⁴ The reason for the COMAD was listed as:

*After a thorough investigation, it has been determined that this funding commitment must be reduced by \$10,805 to reflect two months of service. During a Special Compliance Review the applicant stated that the services requested in the FRN were disconnected on August 29th, 2014. The applicant requested and was erroneously committed an amount which it was not able to justify as a reasonable estimate of the costs of eligible services. Pursuant to FCC rules, if funding requests are submitted in the amounts that go beyond what the applicant can substantiate, those funding commitments will be reduced to the amount that can be substantiated. Since FRN 2586896 included the amount that the applicant could not justify, this funding commitment will be reduced by \$10,805 to reflect two months of service and USAC will seek recovery of any improperly disbursed funds from the applicant (\$2,161 monthly * 2 months = \$4,322. \$25,932 - \$4,322 = \$21,610 pre-discount * 50% = \$10,805 post discount).*

USAC issued a demand letter to Grove School on July 20, 2016. In the demand letter, USAC indicated that Grove School would be responsible for repayment. Grove School filed an appeal with USAC on July 29, 2016. USAC denied its appeal on September 21, 2016. USAC dismissed the appeal because USAC said the appeal was not timely filed. Grove School appeals USAC's dismissal of its appeal as well as USAC's underlying substantive decision to seek recovery from Grove School instead of XO Communications, its service provider. Grove

¹³ Exhibit 6 – Grove Disconnect Letter & Response to Special Compliance Review The Commitment Adjustment letter from USAC specifically acknowledges this fact: “*During a Special Compliance Review, the applicant stated the services requested in the FRN were disconnected August 29th, 2014.*”

¹⁴ Exhibit 7, Grove COMAD Letter

School's appeal of USAC's decision is due by November 20, 2016, under the Commission's rules,¹⁵ and, as such, this appeal is timely filed.

II. USAC ERRED IN SEEKING RECOVERY FROM THE SCHOOLS INSTEAD OF THEIR SERVICE PROVIDERS.

The Commission's *Fourth Report and Order* established the rule that USAC should recover improperly disbursed funding from the party that committed the rule or statutory violation in question.¹⁶ USAC shall consider which party was in a better position to prevent the statutory or rule violation, and which party committed the act or omission that forms the basis for the statutory or rule violation.¹⁷

USAC has incorrectly identified the problem as the Schools requesting funding that is not "justified" (apparently USAC is saying the Schools did not make a bona fide request for funding). To the contrary, the issue is not that the services requested were unjustified. The fact is that schools often request the same services from multiple providers in order to transition to a new provider. The issue is that the service providers sought reimbursement for services that should have been disconnected.

Commission rules require services to be provided before entities may seek reimbursement.¹⁸ In the *Fifth Report and Order*, the Commission noted that if a service provider billed for a whole year but provided services for less than the full year, it would be appropriate to

¹⁵ See 47 C.F.R. § 54.720.

¹⁶ Fourth Report and Order, ¶ 10.

¹⁷ Id. ¶ 15.

¹⁸ See, e.g., FCC Form 493.

recover the excess.¹⁹ Similarly, here, the service providers billed for services after the disconnect letter was sent to them.

The invoicing errors were the responsibility of the service providers, not the Schools. The Schools have no control over whether or how service providers invoice, and, in fact, the Schools were not aware that the service providers had invoiced for these services until USAC identified the issue.

Because the violation was committed by the services providers, USAC should have sought recovery from the service providers. The service providers were in the best position to prevent the rule violations as they submitted the invoices to USAC. They also were the parties that committed the rule violation by submitting the invoices to USAC after receiving the disconnect letter from the Schools. The Schools did not realize that the service providers would try to bill USAC for services after the service providers had been informed by the Schools that they were disconnecting the services.²⁰ XO, Southwestern Bell Telephone, and AT&T Corp. billed USAC for services after they had received the disconnect letters from the Schools.

Therefore, we respectfully request that the Commission reissue the commitment adjustment letter and/or the demand payment letter to hold the service providers responsible for repayment of the E-rate funds.

III. THE COMMISSION SHOULD CONSIDER THE APPEAL AS TIMELY FILED, OR, IN THE ALTERNATIVE, GRANT A WAIVER OF ITS RULES

USAC denied the Schools appeal as untimely filed as USAC believes the 60-day deadline should only be started by the issuance of the commitment adjustment letter. The Schools believe

¹⁹ *Fifth Report and Order*, ¶ 28.

²⁰ While the Schools could have also immediately cancelled these specific funding requests, there is no obligation that they do so under the rules. The service providers have an obligation to follow the rules by not invoicing USAC for services they did not provide.

that the Commission has stated that demand letter is a separate decision of USAC that parties may appeal. If the Commission does not agree, it should grant, consistent with its precedent, a waiver of the Commission's rules because the Schools filed within a few days of the earlier deadline and because USAC so erred in its decision to seek recovery from the Schools instead of the service providers.

A. The Demand Letter Is an Appealable Decision of USAC.

The *Fifth Report and Order* allows recipients of E-rate funds to seek Commission review of USAC demand letters.²¹ In declining to adopt a requirement for an administrative hearing in the event of recovery, the Commission emphasized that “parties are already free today to challenge any action of USAC – including the issuance of a demand for recovery of funds – by filing a request for review with this Commission pursuant to section 54.722 of our rules.” This language shows that the Commission considered the issuance of a demand repayment letter as a “decision” of USAC that may be appealed. The commitment adjustment letter cannot be the “issuance of a demand for recovery of funds” as the letter itself states that it is not a demand for recovery.²² Given that a party may not know if USAC will actually seek recovery of funds until it receives the demand repayment letter, the Commission should not require parties to have known that they should pre-emptively file an appeal in case USAC seeks recovery of funds.

The Wireline Competition Bureau has recently indicated it believes that issuance of a demand letter does not, in itself, constitute an appealable event.²³ While the Bureau did not

²¹ *Fifth Report and Order*, para. 40 (“Parties are already free today to challenge any action of USAC – including the issuance of a demand for recovery of funds – by filing a request for review with this Commission pursuant to section 54.722 of our rules.”).

²² See, e.g., Exhibit 3, Commitment Adjustment Letter of Miami ISD (“This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter.”).

²³ *Streamlined Resolution Of Requests Related To Actions By The Universal Service Administrative Company*, Public Notice, DA No. 16-334, at 3 n.7 (rel. Mar. 30, 2016).

provide an explanation for its decision, it may be relying upon the Commission's general rules implementing the Debt Collection Improvement Act (DCIA).²⁴ These rules were adopted in 2004 before the issuance of the *Fifth Report and Order*.²⁵ In fact, the Fifth Report and Order references the adoption of the general DCIA rules.²⁶ That demonstrates that the Commission knew of and contemplated the general DCIA rules when allowing parties to appeal E-rate demand letters specifically. Parties can have the additional right to appeal a USAC demand letter as a "decision" of USAC under the Commission's rules and still be "fully subject" to the requirement of the DCIA.

To the extent that the Bureau's recent decision may call into question Applicants' ability to seek Commission review of the disputed debts identified in USAC's demand letters, the Schools nonetheless believe that the relief requested in the instant appeal is appropriately before the Commission and a waiver of the filing deadline should be granted as explained below. Before the Commission denies the instant appeal (or any other appeal) on the ground that receipt of a demand letter is not an appealable event, the Commission should clarify its ruling in the *Fifth Report and Order* and apply such directive on a prospective basis.

B. In the Alternative, the Commission Should Waive Section 54.720 to Allow the Schools to Appeal Because the Appeal Was Submitted Only a Few Days After the Deadline USAC Argues Applies Here and Because USAC's Underlying Decision is in Conflict with the Commission's Directives.

Even if the Commission finds the demand letter is not a decision of USAC under the rules and therefore cannot be appealed, the Commission should waive section 54.720 of its rules

²⁴ See 47 C.F.R. § 1.901 *et seq.*

²⁵ See 47 C.F.R. § 1.901 *et seq.* See also *Amendment of Parts 0 and 1 of the Commission's Rules, Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Requests for Benefits by Delinquent Debtors*, MD Docket No. 02-239, Report and Order, 19 FCC Rcd 6540 (2004) (*DCIA Order*).

²⁶ Fifth R&O at ¶ 15-17.

to allow the Schools to appeal USAC's decision. A waiver would be consistent with the Commission's use of its discretion in the past, and in the public interest.

Any of the Commission's rules may be waived if good cause is shown.²⁷ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.²⁸ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²⁹

First, a waiver is consistent with Commission precedent when appellants have filed only a few days late.³⁰ Here, even starting the clock from the issuance of the commitment adjustment letter, the appeal would only be nine days late. As soon as the Schools realized that USAC was seeking funding from them, they filed the appeals within a few days of the demand repayment letter.

Second, a waiver is in the public interest because USAC should have sought recovery from the service providers, which improperly billed USAC, and the appellants should never have had to submit an appeal in the first place.³¹ Allowing USAC to proceed with a recovery against

²⁷ 47 C.F.R. § 1.3.

²⁸ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (Northeast Cellular).

²⁹ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

³⁰ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late). See also *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, DA 16-220 (Feb. 29 2016) (granting the waiver request of Bastrop Independent School District, TX, Application No. 962244, Request for Waiver, CC Docket No. 02-6 (filed Jan. 27, 2016)).

³¹ See *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Animas School District 6, Animas, New Mexico, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 11-2040 (WCB 2011) (Granting 14 petitioners waivers of the Commission's appeal filing deadline because they submitted their appeals to the

the wrong party because of a procedural mistake would be fundamentally unfair, contrary to the public interest, and inconsistent with prior Bureau decisions.

Finally, there are no allegations of waste, fraud or abuse against the Schools. The Schools did what they were supposed to do – they notified the service providers that they no longer needed the requested services. The Schools had no control over the service providers and frankly never even considered that the service providers would seek reimbursement for services they had not delivered.

If the Commission finds the Schools submitted their appeal late, the Commission should waive section 54.720 of the Commission's rules because, as demonstrated above, such a waiver is in the public interest and consistent with prior Commission rulings.

Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision, or the late-filed appeal would never have been necessary absent an error on the part of USAC).

IV. CONCLUSION

For the foregoing reasons, the Commission should grant the Schools' requests for review to allow the appeal to be filed, or, in the alternative, its request for waiver of section 54.706 of its rules. In addition, the Schools request that the Commission direct USAC to cease recovery efforts against them and instead seek recovery from their service providers.

Respectfully submitted,

/s/ Chris Webber

Chris Webber
CRW Consulting
PO Box 701713
Tulsa, OK 74170
chris@crwconsulting.com
(918) 445-0048

November 20, 2016

EXHIBITS

Exhibit 1: Miami Form 500

Exhibit 2: Miami Disconnect Letter

Exhibit 3: Miami COMAD Letter

Exhibit 4: Preston Disconnect Letter & Response to Special Compliance Review

Exhibit 5: Preston COMAD Letter

Exhibit 6: Grove Disconnect Letter & Response to Special Compliance Review

Exhibit 7: Grove COMAD Letter

Exhibit 1:
Miami Form 500

Universal Service for Schools and Libraries
Funding Commitment Adjustment Request Form

Please read instructions before completing.

(To be completed by schools, libraries or consortia.)

Applicant's Form Identifier: Miami Y16 Plexar
(Create your own code to identify THIS FCC Form 500)

FCC Form 500 Application Number:
(To be assigned by administrator.)

Block 1: Applicant Information

1. Name of Billed Entity
Miami ISD 23

2. Billed Entity Number
140145

3. Funding Year
2013

4. Complete Mailing Address of Billed Entity
Street Address, P. O. Box or Route Number

City

State

Zip Code

26 N Main St

Miami

OK

74354

Telephone Number
918-542-8455

Fax Number
918-542-1236

Email Address

5. Contact Person Information

Contact Person Name
Karia Hall

Mailing Address

Street Address, P. O. Box or Route Number

City

State

Zip Code

PO Box 701713

Tulsa

OK

74170

Telephone Number
918-445-0048

Fax Number
918-445-0049

Email Address
info@crwconsulting.com

Type of Adjustment (Check all that apply)

☐ Block 2: Services Adjustment

☐ Block 4: Equipment Transfer Notification

☒ Block 3: Cancellation or Reduction of an FRN

DO NOT STAPLE

Billed Entity Name Miami ISD 23 Contact Name Karla HallBilled Entity Number 140145 Contact Telephone Number 918-445-0048 Page 2**Block 2: Services Adjustment**

Remember: The Funding Request Number(s) (FRNs) listed on this form must be for the same Funding Year as listed in Block 1, Item 3.

New Service Start Date: Complete if you wish to change the Service Start Date you listed on a previously filed FCC Form 486 in the funding year listed in Block 1, Item 3. This action will NOT increase funding.

Contract Expiration Date: Complete if the contract expiration date has changed and you wish to report the change to USAC. This action will NOT increase funding but you could combine it with a funding reduction.

Service Delivery Extension: Complete if you are requesting an extension of the deadline for delivery and installation of non-recurring services. You must submit this request to USAC on or before the September 30 following the close of the funding year. This action will NOT increase funding. **Note:** Complete the Contract Expiration Date (Item 7) also if your contract will expire prior to the installation or delivery of services.

6. Service Start Date

FCC Form 471	FRN(S)	Original Date (mm/dd/yyyy)	New Date (mm/dd/yyyy)

7. Contract Expiration Date

FCC Form 471	FRN(S)	Original Date (mm/dd/yyyy)	New Date (mm/dd/yyyy)

Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 2A, 2B, 2C, etc. and provide the number in space provided in Block 2.

8. Service Delivery Extension Request

FCC Form 471	FRN
--------------	-----

Certify the reason for the service delivery and installation request by checking one of the boxes below:

- ☐ The service provider was unable to complete delivery and installation for reasons beyond the service provider's control.
- ☐ The service provider has been unwilling to complete delivery and installation after USAC withheld payment for those services on a properly-submitted invoice for more than 60 days after submission of the invoice.

DO NOT STAPLE**Billed Entity Name** Miami ISD 23**Contact Name** Karla Hall**Billed Entity Number** 140145**Contact Telephone Number** 918-445-0048**Page 3** **Block 3: Cancellation or Reduction of an FRN**

Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.

Cancel: Complete if you wish to cancel an FRN. This action is irrevocable and the FRN cannot be reinstated later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.

Reduce: Complete if you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN cannot be increased later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.

Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 3A, 3B, 3C, etc. and provide the number in space provided in Block 3

9. Cancel FRN

FCC Form 471	FRN(s) (list individually)	Write in "CANCEL ALL" below if you wish to cancel all FRNs on FCC Form 471

10. Reduce FRN

FCC Form 471	FRN(s)	Original Commitment Amount from FCDE	New Commitment Amount AFTER Reduction
898270	2441645	5,931.21	0.00
898270	2441670	148,740.00	0.00

DO NOT STAPLEBilled Entity Name Miami ISD 23Contact Name Karla HallBilled Entity Number 140145Contact Telephone Number 918-445-0048Page 4**Block 4: Equipment Transfer Notification**

Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.

- 11. Equipment Transfer:** Complete this section if you are transferring equipment from a closed entity to other eligible entities within three years of the date of purchase. Both the transferring and receiving entities must maintain detailed records documenting the transfer and the reason for the transfer for at least five years (or whatever retention period is required by the rules in effect at the time of this certification).

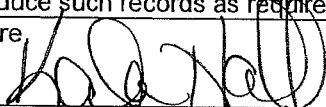
Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 4A, 4B, 4C, etc. and provide the number in space provided in Block 4

FCC Form 471		FRN
Closed Entity Number		Closed Entity Name
Purchase Date	Transfer Date	Transfer Reason
<input type="checkbox"/> Check here if transfer is temporary. Enter projected return date		
List all entities receiving the equipment. Receiving Entity(s) Number(s)	Receiving Entity Name (s)	Equipment Received Equipment name, make and model

DO NOT STAPLEBilled Entity Name Miami ISD 23Contact Name Karla HallBilled Entity Number 140145Contact Telephone Number 918-445-0048**Block 5: Certification**

12. I certify that I am authorized to submit this form on behalf of the above-named billed entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
13. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.
14. I will retain for at least five years (or whatever retention period is required by the rules in effect at the time of this certification), after the last day of delivery of discount services (or after the date of transfer for equipment transfers), (1) any and all records that I rely upon to complete this form and (2) all documents necessary to demonstrate compliance with the statutory or regulatory requirements for the schools and libraries universal service support program. I recognize that I may be audited pursuant to this application and the applicant must produce such records as required by 47 C.F.R. § 54.516.

15. Signature



16. Date

8/27/2015

17. Printed name of authorized person

Karla Hall

18. Title or position of authorized person

Consultant

19. Telephone number of authorized person

918-445-0048

20. Email address of authorized person

info@crwconsulting.com

21. Address of authorized person

PO Box 701713, Tulsa, OK 74170

22. Name of Authorized Person's Employer

CRW Consulting

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0853.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

A paper copy of this form, with an authorized signature in Block 5, Item 15 should be mailed to:

**SLD Form 500
P. O. Box 7026
Lawrence, KS 66044-7026**

If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form should be mailed to:

**SLD Forms
ATTN: Form 500
3833 Greenway Dr.
Lawrence, KS 66046
888-203-8100**

Exhibit 2:
Miami Disconnect
Letter



MIAMI

Public Schools

collaboration · high expectations · excellence · integrity · maximize learning

June 26, 2013

AT&T Corporation
One AT&T Way
Bedminster, NJ 07921-0752
ATTN: Master Support Team

2 PAGES TOTAL

RE: Miami Public School's- Customized Switched Metro Ethernet (CSME) Contract Expiration

To Whom It May Concern,

AT&T has provided the Miami School District with services for previous years as well as the current year. This letter is to advise you that the agreement for Customized Switched Metro Ethernet (CSME) services will be allowed to expire at the end of the District's current fiscal year (June 30, 2013) and will not be renewed. The School District will pay ATT through the expiration date of June 30th 2013 but will not renew our agreement after that date. Please note that no termination charges should apply, as this letter is not a termination letter, but a non-renewal letter under the laws of the State of Oklahoma.

Many states, including Oklahoma, place restrictions on expenditures and agreements that may be entered into by a local public school. In this case, in addition to various written contract requirements, a school district in Oklahoma is prohibited from obligating funds from one fiscal year to another or utilizing current fiscal year funds for an obligation arising under a prior fiscal year. These prohibitions are contained in the Oklahoma Statutes as well as the Oklahoma Constitution. OKLA. STAT. tit. 70, § 5-117 and Oklahoma Constitution Art. 10, § 26.

In order for an annual review to be enforceable against a school district, the written agreement must contain a provision for mutual ratification on an annual basis. If no such agreement is contained therein, the agreement is void.

For the above reasons and many others I have not mentioned, Miami Public School advises you that our CSME services will expire (not terminate) on June 30, 2013. If you have any questions, please feel free to contact me or the School District's legal counsel. If you believe there are any provisions or legal authorities that impose liability upon the School District beyond the current fiscal year, please advise me immediately.

Sincerely,

Loretta Robinson
Miami Public Schools
Superintendent

Board of Education
Office of the Superintendent
26 North Main, Miami Oklahoma 74354
www.miami.k12.ok.us
918-542-8455

Sandy Ankenman

SEP 4 55 (at)

From: WICKLIFF, JUDITH E <jh9022@att.com>
Sent: Friday, November 15, 2013 3:19 PM
To: Sandy Ankenman (sankenman@miami.k12.ok.us)
Subject: FW: Order Completion - Miami Public Schools, 09301388851628BW, MIAMI PUBLIC SCHOOLS
Attachments: Miami ISD, 918 197-1016 022 - CSME circuits.xlsx

Sandy,

See the email trail and the attachment. This is confirmation information for the requested order activity to disconnect the CSME circuits.

Thanks,

Judy Wickliff
Communications Consultant
AT&T Business Solutions Customer Care
AT&T Texas
Email address GEM.TX.ORDERS@RDSMAIL.IMS.ATT.COM
877 377-0632

"This e-mail and any files transmitted with it are AT&T property, are confidential, and are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender at 877 377-0632 and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited."

From: WICKLIFF, JUDITH E
Sent: Tuesday, October 15, 2013 2:30 PM
To: Sandy Ankenman (sankenman@miami.k12.ok.us)
Subject: FW: Order Completion - Miami Public Schools, 09301388851628BW, MIAMI PUBLIC SCHOOLS

Sandy,

In the below email trail is a confirmation to your account manager, Jon Glavna. It lists the orders that disconnected 9 CSME circuits along with the billing account number, (918) 197-1016 022. (see the attachment for circuit details)

There will be another confirmation from AT&T Billing Department for the manual adjustment of monthly rates to 7-1-13 for 8 circuits after it is processed. (RDS Tracking Number 09301388851628BW01)

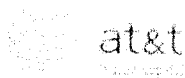
Thanks,

Judy Wickliff
Communications Consultant
AT&T Business Solutions Customer Care
AT&T Texas
Email address GEM.TX.ORDERS@RDSMAIL.IMS.ATT.COM

877 377-0632

"This e-mail and any files transmitted with it are AT&T property, are confidential, and are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender at 877 377-0632 and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited."

From: GEM.OK.ORDERS@RDSMAIL.IMS.ATT.COM [mailto:GEM.OK.ORDERS@rdsmail.ims.att.com]
Sent: Tuesday, October 15, 2013 11:06 AM
To: GLUVNA, JON
Subject: Order Completion - Miami Public Schools, 09301388851628BW, MIAMI PUBLIC SCHOOLS



Date: 10-15/2013

Re Account Number: 09301388851628BW
MIAMI PUBLIC SCHOOLS

Dear Jon:

Thank you for choosing AT&T as your communication service provider. It is our responsibility and our goal to exceed the expectations of our customers by providing quality customer service at all times. This notice is to confirm that your order request was completed on 10-11-13.

The following orders referenced the listed account ID numbers and billing account number (918) 192 0016 932 by the entities.

See attachment for details of terms.

Order Number Order ID Order ID Order ID
91110V-000001 SW 070000 10/11/2013 9/11/2013
91110V-000002 SW 070000 10/11/2013 10/11/2013
91110V-000003 SW 070000 10/11/2013 10/11/2013
91110V-000004 SW 070000 10/11/2013 10/11/2013
91110V-000005 SW 070000 10/11/2013 10/11/2013
91110V-000006 SW 070000 10/11/2013 10/11/2013
91110V-000007 SW 070000 10/11/2013 10/11/2013
91110V-000008 SW 070000 10/11/2013 10/11/2013
91110V-000009 SW 070000 10/11/2013 10/11/2013
91110V-000010 SW 070000 10/11/2013 10/11/2013

You will receive another communication from AT&T Billing Department for the manual adjustment of monthly rate of \$1.12 for 6 months after it is processed. (RDS Tracking Number: 09301388851628BW001)

Attached is a list of important contact information to help you manage your account.

Router Orders: 800 265 0335

Billing Inquiries: 800 265 0335

We appreciate your business and want to ensure that you are very satisfied with the handling of this service request.

Thank you for choosing AT&T. We look forward to our continued partnership and invite you to contact your account team for future requests.

Should you have any questions or concerns regarding this offer request please reply to this email.

Thank you for choosing AT&T.

Very Sincerely,

Communications Consultant

AT&T Business Solutions Customer Care

AT&T Texas

Email address: GEM.TX.ORDERS@RDSMAIL.JMS.ATT.COM

800 265 0335

AT&T Business Solutions

http://www.business.att.com/page/jm/segment/ent_biz

Best Regards,
Marketing Manager - 800 265 0335
Sales - 800 265 0335

cc: Sandy Ankenman, Director of Technology
mast@att.com

SR2538@ATT.COM (Sam Ross)

cl5354@att.com (Chris LaPorte)

chris@crwconsulting.com (Chris Webber)

Exhibit 3:
Miami COMAD Letter



Notification of Commitment Adjustment Letter

Funding Year 2013: July 1, 2013 - June 30, 2014

May 20, 2016

Chris Webber or Karla Hall
MIAMI INDEP SCHOOL DISTRICT 23
PO BOX 701713
TULSA, OK 74170 1713

Re: Form 471 Application Number: 898270
Funding Year: 2013
Applicant's Form Identifier: Miami Y16
Billed Entity Number: 140145
FCC Registration Number: 0012680211
SPIN: 143004662
Service Provider Name: Southwestern Bell Telephone Company
Service Provider Contact Person: Mike Swisher

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Mike Swisher
Southwestern Bell Telephone Company

**Funding Commitment Adjustment Report for
Form 471 Application Number: 898270**

Funding Request Number:	2441670
Services Ordered:	TELCOMM SERVICES
SPIN:	143004662
Service Provider Name:	Southwestern Bell Telephone Company
Contract Number:	N/A
Billing Account Number:	
Site Identifier:	140145
Original Funding Commitment:	\$42,638.80
Commitment Adjustment Amount:	\$42,638.80
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$42,638.80
Funds to be Recovered from Applicant:	\$42,638.80
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be reduced by must be rescinded in full. During a Special Compliance Review the applicant submitted an FCC Form 500 canceling the commitment of the FRN in full. The applicant requested and was erroneously committed an amount which it was not able to justify as a reasonable estimate of the costs of eligible services. Pursuant to FCC rules, if funding requests are submitted in the amounts that go beyond what the applicant can substantiate, those funding commitments will be reduced to the amount that can be substantiated. Since FRN 2441670 included the amount that the applicant could not justify, this funding commitment will be rescinded in full to deduct the unsubstantiated amount of eligible services and USAC will seek recovery of any improperly disbursed funds from the applicant.

Exhibit 4:

Preston Disconnect
Letter & Response to
Special Compliance
Review

MARK HUDSON
Superintendent of Schools
918/756-3388

PAMELA SNOWDEN
High School Principal
918/756-8636

CASSIE HOLLEMAN
Elementary Principal
918/756-3638

PRESTON PUBLIC SCHOOLS

10061 Old Hwy 75
Post Office Box 40 918/756-3388
PRESTON, OKLAHOMA 74456
FAX 918/756-2122

October 30, 2014

AT&T Corporation
One AT&T Way
Bedminster, NJ 07921-0752

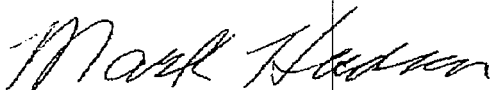
Non-Renewal of Internet Access and WAN Connection Services

Dear AT&T Corporation

The purpose of this letter is to inform you that the Preston district has decided not to renew your contract for Internet Access and WAN Connection services for 10/30/2014-6/30/2015 school year. Oklahoma state law does not allow school districts to enter into multi-year contracts with service providers. Contracts either must be limited to one fiscal year, or must be renewed at the start of every fiscal year. We have decided not to renew your contract for the current fiscal year. Please note that if your contract provides for termination charges, those charges do not apply to our situation, we are not choosing to terminate the contract early, instead we are not renewing for the current fiscal year.

We request that you disconnect all services associated with Internet Access and WAN services as soon as possible.

Thank you.



Mark Hudson
Superintendent

FY 2014 E-rate Application Information Request

Date: 01.08.15

PRESTON SCHOOL DISTRICT

Chris Webber or Karla Hall

FCC Form 471 Application Number(s): FY 2014 App # 945612 FRNs 2574749 and 2574723

Response Due Date: 01.23.15

Dear Applicant,

We are in the process of reviewing Funding Year(s) **2014** Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. To complete our review, we need some additional information. The information needed to complete the review is listed below.



FRN 2574726:

- I. The ATT bid provided on page 7 of the expanded scope PDF – indicates a proposal date of 08/26/13. Please explain why the bid was received prior to the posting date of the FCC Form 470/RFP. The RFP and 470 was released 8/23/13, the date of 8/26/13 falls within the 28 day competitive bidding window.

FRN 2574752:

- II. The ATT bid provided on page 21 of the expanded scope PDF – indicates a proposal date of 02/27/13. Please explain why the bid was received prior to the posting date of the FCC Form 470/RFP. The RFP and 470 was released 8/23/13, the date of 8/27/13 falls within the 28 day competitive bidding window. The date of the bid on page 21 is 8/27/13, not 2/27/13.

FRN 2574724:

- III. You stated that FRN 2574724 was submitted in case Meet Point service didn't start on July 1, 2014. Based on this statement it appears that FRN 2574724 is a duplicate FRN. Should this FRN be cancelled? If no, please indicate the number of bids, vendor selection and indicate the service start /end dates that should be applied so that the FRN does not overlap with the services provided by Meet Point.  No, this FRN is not a duplicate. FRN 2574724 ended on 10/31/14. FRN 2574723 started on 11/01/14. There were no bids received for FRN 2574724. FRN 2574724 is for the old service provider and FRN 2574724 is for the new service provider. 

In addition, information provided to USAC indicated that there is a potential relationship between Meet Point Networks, LLC and CRW Consulting. We are providing you with an opportunity to submit further documentation and/or any special circumstances that we should consider during the review.

Lastly, please complete, sign, and date the attached certification and return with your response.

Response due: 01.23.15

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to respond may result in a reduction, denial, or rescinding of funding.** If **you need additional time to prepare your response, please let me know as soon as possible.**

Thank you for your cooperation and continued support of the Universal Service Program.

Courtney Santiago
Associate Manager, Special Compliance
30 Lanidex Plaza West | Parsippany, NJ 07054
Phone: 973-581-7596
Fax: 973-599-655
E-mail: Csantia@sl.universalservice.org

Exhibit 5:
Preston COMAD Letter



Notification of Commitment Adjustment Letter

Funding Year 2014: July 1, 2014 - June 30, 2015

May 20, 2016

Karla Hall or Chris Webber
PRESTON SCHOOL DISTRICT
PO Box 701713
Tulsa, OK 74170 1713

Re: Form 471 Application Number: 945612
Funding Year: 2014
Applicant's Form Identifier: PRESTON Y17
Billed Entity Number: 140205
FCC Registration Number: 0012680344
SPIN: 143001192
Service Provider Name: AT&T Corp.
Service Provider Contact Person: Lorraine Griffin

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Lorraine Griffin
AT&T Corp.

Funding Commitment Adjustment Report for
Form 471 Application Number: 945612

Funding Request Number: 2574724
Services Ordered: INTERNET ACCESS
SPIN: 143001192
Service Provider Name: AT&T Corp.
Contract Number: MTM
Billing Account Number:
Site Identifier: 140205
Original Funding Commitment: \$25,688.52
Commitment Adjustment Amount: \$17,125.68
Adjusted Funding Commitment: \$8,562.84
Funds Disbursed to Date \$12,235.14
Funds to be Recovered from Applicant: \$3,672.30
Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be reduced by \$17,125.68. During a Special Compliance Review the applicant stated the services requested in the FRN were disconnected on October 31, 2014. The applicant requested and was erroneously committed an amount which it was not able to justify as a reasonable estimate of the costs of eligible services. Pursuant to FCC rules, if funding requests are submitted in the amounts that go beyond what the applicant can substantiate, those funding commitments will be reduced to the amount that can be substantiated. Since FRN 2574724 included the amount that the applicant could not justify, this funding commitment will be reduced by \$17,125.68 (\$2,744.50 monthly * 4months = \$10,978.00. \$32,934.00 - \$10,978.00 = \$21,956.00 pre-discount *78% = \$17,125.68 post discount.) to deduct the unsubstantiated amount of eligible services and USAC will seek recovery of any improperly disbursed funds from the applicant.

Exhibit 6:

Grove Disconnect
Letter & Response to
Special Compliance
Review

GROVE SCHOOL
2800 N. BRYAN
SHAWNEE, OKLAHOMA 74804

SHERIL PAYNE
SUPERINTENDENT

RUSTY CARMICHAEL
DEAN OF STUDENTS

Non-Renewal of Internet Access Services, Account Number 004000000320632

August 29, 2014

Elizabeth Mackey-Perrin
Major Account Executive
XO Communications
2020 Westport Center Dr.
St. Louis, MO 63146

Dear Elizabeth Perrin:

The purpose of this letter is to remind you that the district has decided not to renew your contract for Internet Access Services for the 7/1/2014 – 6/30/2015 school year. Oklahoma state law does not allow school districts to enter into multi-year contracts with service providers. Contracts either must be limited to one fiscal year, or must be renewed at the start of every fiscal year. We have decided not to renew your contract for the current fiscal year. Please note that if your contract provides for termination charges, those charges do not apply to our situation, we are not choosing to terminate the contract early, instead we are not renewing for the current fiscal year.

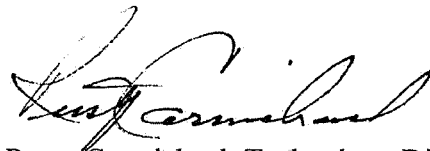
Many states, including Oklahoma, place restrictions on expenditures and agreements that may be entered into by a local public school. In this case, in addition to various written contract requirements, a school district in Oklahoma is prohibited from obligating funds from one fiscal year to another or utilizing current fiscal year funds for an obligation arising under a prior fiscal year. These prohibitions are contained in the Oklahoma Statutes as well as the Oklahoma Constitution. OKLA. STAT. tit. 70, § 5-117 and Oklahoma Constitution Art. 10, § 26.

We request that you disconnect all services associated with XO supplied Internet Access Services for Account Number 004000000320632, Located at Grove School, 2800 N. Bryan Ave., Shawnee, Oklahoma, as soon as possible.

Thank you,



Sheril Payne, Superintendent



Rusty Carmichael, Technology Director

FY 2014 E-rate Application Information Request

Date: 12.01.14

GROVE SCHOOL CO DISTRICT 27

Chris Webber or Karla Hall




FCC Form 471 Application Number(s): FY 2014 App # 951256 FRN 2586885

Response Due Date: 12.16.14

Dear Applicant,

We are in the process of reviewing Funding Year(s) **2014** Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. To complete our review, we need some additional information. The information needed to complete the review is listed below.

**Competitive Bidding Review:
FRN 2586885 and 2586896:**

- I. Please explain why you have (2) different service providers (Meet Point and XO Communications) to provide the same services (high speed circuits) to the same locations and time periods on your FCC Form 471 application #951256. Also, please provide supporting vendor documentation. Please explain why the district did not select one vendor for all of your telecommunication /internet access needs and if any of these requests are duplicate services.
-   The district decided to switch from XO to Meet Point for the 2014-2015 funding year. Meet Point services were installed 8/29/14 and XO services were disconnected 8/29/14. 

FRN 2586885:

- II. The Meetpoint contract/bid indicates the following:

Internet Maintenance is provided by NewNet 66 and is included in the pricing above.

Internet Maintenance includes:

24 x 7 Internet Access Troubleshooting & Repair

On site visits to restore Internet Access, if necessary

Unlimited Email / 5Gb Web Hosting

For more information please visit NewNet 66's description of services overview at www.newnet66.org

However, the RFP indicates, "Internet Access – Minimum 10 MB Bandwidth applicant considering upgrading to 20 MB bandwidth. The terminating address for this circuit is 2800 N Bryan Rd". How were bidders aware that the school was seeking "Internet Maintenance" which includes email and webhosting when the RFP posted for minimum 10 MB bandwidth?

The services identified above were not bidding requirements; it was not our intention to disqualify vendors that did not offer these services. Instead, these are value-added services that are part of MPN's bid that adds worth to their bid and makes their offering more cost-effective for the needs of our district. This is like a service provider offering caller ID with their dial tone service. While the applicant may not have specifically requested caller ID and may have only listed "dial tone service for 10 lines" the addition of the caller ID services can make that bid

more valuable to the applicant.

It is very important that USAC understand that even if we had listed firewall services on the 470 that would not have changed any of the vendor's bids. Please note that firewall services are eligible by itself, firewall services has to be provided as part of the requested Internet access service to be eligible. In fact, the only way that the service is eligible is if the service provider only offers firewall services as part of a **bundled package of services**, without identifying a cost for those services. Had we specifically listed each firewall service, it wouldn't have changed anything on the bids from service providers – either they offered that service bundled in with their Internet access or they don't.

Also, this is a Catch-22 situation for the applicant. We are not sure if other ISPs in the state offer on-site technical support and head end firewall services (according to our consultant, he has not seen bids from any other OK ISP that offers the same services as MeetPoint). Even though these services are eligible, at some point we could be accused of "pre-selecting" a vendor by listing services that we want that only one provider provides. USAC has specific rules about "vendor neutral language" and we tried to keep our 470 posting as neutral, and open to competition, as possible.

In addition, information provided to USAC indicated that there is a potential relationship between Meet Point Networks, LLC and CRW Consulting. We are providing you with an opportunity to submit further documentation and/or any special circumstances that we should consider during the review.

Lastly, please complete, sign, and date the attached certification and return with your response.

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to respond may result in a reduction, denial, or rescinding of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Thank you for your cooperation and continued support of the Universal Service Program.

Courtney Santiago
Associate Manager, Special Compliance
30 Lanidex Plaza West | Parsippany, NJ 07054
Phone: 973-581-7596
Fax: 973-599-655
E-mail: Csantia@sl.universalservice.org

Exhibit 7:
Grove COMAD Letter



Notification of Commitment Adjustment Letter

Funding Year 2014: July 1, 2014 - June 30, 2015

May 20, 2016

Chris Webber or Karla Hall
GROVE SCHOOL CO DISTRICT 27
PO Box 701713
Tulsa, OK 74170 1713

Re: Form 471 Application Number: 951256
Funding Year: 2014
Applicant's Form Identifier: GROVE Y17
Billed Entity Number: 140323
FCC Registration Number: 0012038089
SPIN: 143000093
Service Provider Name: XO Communication Services LLC
Service Provider Contact Person: Jamie Sontany

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Jamie Sontany
XO Communication Services LLC

**Funding Commitment Adjustment Report for
Form 471 Application Number: 951256**

Funding Request Number:	2586896
Services Ordered:	INTERNET ACCESS
SPIN:	143000093
Service Provider Name:	XO Communication Services LLC
Contract Number:	N/A
Billing Account Number:	
Site Identifier:	140323
Original Funding Commitment:	\$12,966.00
Commitment Adjustment Amount:	\$10,805.00
Adjusted Funding Commitment:	\$2,161.00
Funds Disbursed to Date	\$8,062.41
Funds to be Recovered from Applicant:	\$5,901.41
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be reduced by \$10,805.00 to reflect two months of service. During a Special Compliance Review the applicant stated the services requested in the FRN were disconnected on August 29, 2014. The applicant requested and was erroneously committed an amount which it was not able to justify as a reasonable estimate of the costs of eligible services. Pursuant to FCC rules, if funding requests are submitted in the amounts that go beyond what the applicant can substantiate, those funding commitments will be reduced to the amount that can be substantiated. Since FRN 2586896 included the amount that the applicant could not justify, this funding commitment will be reduced by \$10,805.00 to reflect two months of service and USAC will seek recovery of any improperly disbursed funds from the applicant. (\$2,161.00 monthly * 2 months = \$4,322.00. \$25,932.00 - 4,322.00 = \$21,610.00 pre-discount *50% = \$10,805.00 post discount.)